



AMERICAN BIRD CONSERVANCY

CONSERVING WILD BIRDS AND THEIR HABITATS THROUGHOUT THE AMERICAS

December 8, 2005

Jim Jones, Director
Office of Pesticide Programs 7505C
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

DEC 14, 2005

Dear Director Jones:

American Bird Conservancy continues to be concerned with the prolonged 7 year registration review of rodenticides or rat poisons by the Environmental Protection Agency (EPA). We understand that the registration review was initiated in July 1998 and still has not been completed.

We are also monitoring the re-evaluation of rodenticides being undertaken by the California Department of Pesticide Regulation. They recently held a hearing to consider regulatory action based, in part, on their Pesticide Registration and Evaluation Committee's recommendation to limit the use of "second generation" rodenticide baits containing the active ingredients brodifacoum, difethialone, and bromadiolone. In addition, we have monitored the August 8, 2005 Federal District Court (New York) decision with regard to brodifacoum, ordering EPA to issue regulations requiring safety features in packaging to prevent children from being poisoned.

American Bird Conservancy is strongly concerned about the poisoning of our children. But these poisons are also dangerous for birds and wildlife that are not the target of the poisons. The bird and wildlife poisoning is the result of unregulated consumer use of these poisons.

These second generation rodenticides have proved to be extremely hazardous to mammals and birds, as documented by the Pesticide Investigations Unit of the California Department of Fish and Game, the State of New York, and other data documented in the Avian Incident Monitoring System (AIMS) maintained by American Bird Conservancy. The AIMS database lists 126 incidents of bird poisonings involving brodifacoum, and 21 associated with bromadiolone. This information is available at: <http://www.abcbirds.org/aims>. These active ingredients have been detected in carcasses of federally-listed endangered San Joaquin kit foxes, California mountain lions, bobcats, coyotes, and many raptors across the United States, including bald eagles, great horned owls, golden eagles, and many species of hawks. The rodenticide brodifacoum has also been implicated in the poisoning of many thousands of children in the US, as documented by the Center for Disease Control and cited by the NY District Court.

American Bird Conservancy strongly urges the EPA to complete its registration review of all rodenticides. The EPA should allow the sale of "second generation" rodenticides to the general public only if the following three conditions are met. The rodenticide must be in a tamper-proof bait station, must be for indoor use only, and be used for control of household rodents.

All outdoor uses of these products should be registered as restricted use pesticides available only to licensed pest control operators trained to correctly use them in a manner that prevents the poisoning of birds and other wildlife.. We also request that the concentration of active ingredients be reduced in these products. Laboratory and field tests have shown effect rodent control at lower poison bait concentrations. Lowering the poison concentration in baits



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would further reduce the potential for the secondary poisoning of birds and wildlife from eating the poisoned rodent carcasses.

American Bird Conservancy strongly feels that all three second generation rodenticides must be regulated together, because restricting only brodifacoum will allow the producers to change the formulation of over-the-counter rat poisons by substitution of bromodialone and difethialone in these products.

American Bird Conservancy urges the EPA to adopt regulations including the restrictions outlined above for safety of our children and America's birds and wildlife. It is important for EPA to act in order to have consistent regulations across the country. Due to EPA's inaction the California Department of Pesticide Regulation is considering unilaterally implementing the above regulations. We further believe that by not enacting strict regulations the EPA will be in violation of the NY District Court order requiring improved safety measures to protect children.

American Bird Conservancy further recommends that a monitoring program be initiated to evaluate the reduction in bird and wildlife poisonings. This monitoring program needs improvement over the current incident reporting requirements under FIFRA Section 6(a)2. The current requirements have proven to be ineffective in documenting serious bird and wildlife poisoning incidents. If the recommended monitoring program is adopted and demonstrates that the above restrictive measures are not successful in reducing non-target wildlife exposures, American Bird Conservancy recommends that all uses of these three rodenticides be made restricted use, and these rodenticides be available only to licensed pest control operators.

Again, we urge the EPA to take action to restrict the use of rodenticides to prevent the poisoning of America's children, birds and wildlife. Thank you for consideration of the position of American Bird Conservancy on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Michael Fry". The signature is fluid and cursive, with the first name "Michael" and last name "Fry" clearly distinguishable.

Michael Fry, PhD
Director, Pesticide and Birds Program
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